## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

VINCENT DE GIOVANNI, MARIETTE BARROS and all others similarly situated,	) ) )
Plaintiffs,	)
v.	) Docket No. 07-10066 RCL
JANI-KING INTERNATIONAL, INC., JANI-KING, INC. and JANI-KING OF BOSTON, INC.	) ) ) )
Defendants.	) ) )

## DEFENDANT'S ASSENTED-TO MOTION FOR LEAVE TO FILE REPLY BRIEF IN FURTHER SUPPORT OF MOTION TO COMPEL PLAINTIFFS AND AFFIANTS TO SIGN INTERNAL REVENUE SERVICE FORM 4506 RELEASES FOR TAX RETURNS

Defendant Jani-King of Boston, Inc. ("JKB") hereby moves for leave to file a Reply Brief of three pages to address specific issues raised in plaintiffs' Opposition to JKB's Motion to Compel Execution of IRS Form 4506. (Docket No. 78.) In support of this motion, JKB states that the proposed Reply Brief is limited to addressing arguments raised in plaintiffs' Opposition that JKB could not have reasonably anticipated prior to filing its motion and correcting factual misstatements in the Opposition. In addition, plaintiffs have assented to this motion. A copy of the proposed Reply Brief is attached as Exhibit A.

WHEREFORE, JKB moves for leave to file a three page Reply Brief in further support of its pending motion.

JANI-KING OF BOSTON, INC.,

By its attorneys,

/s/ Gregg A. Rubenstein

Arthur L. Pressman (BBO #643094) David S. Rosenthal (BBO #429260) Gregg A. Rubenstein (BBO #639680) NIXON PEABODY LLP 100 Summer Street Boston, Massachusetts 02110 (617) 345-1000 (617) 345-1300 (facsimile)

Dated: July 15, 2009

## LOCAL RULE 7.1(A) CERTIFICATION

Counsel for Jani-King of Boston, Inc. certifies that he conferred in good faith with counsel for plaintiffs on July 15, 2009 by electronic mail in an effort to resolve or narrow the issue presented by this motion and that plaintiffs assented to it.

/s/ G. Rubenstein
Gregg A. Rubenstein

## Certificate of Service

I hereby certify that this Motion to File Reply Brief filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on July 15, 2009.

/s/ Gregg A. Rubenstein
Gregg A. Rubenstein

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